THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17692 of 2005

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WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Amritha Orchards (P) Limited rep by Managing Director, Boyap Venkata Kishore S/o Veera Raghavaiah R/o Gannavaram, Krishna District

..... PETITIONER

AND

1 The Commissioner of Endowments, Tilak Road, Abids, Hyderabad.
2 The Deputy Commissioner of Endowment, Ramaraopet, Kakinada, East

Godavari District.
3 The Assistant Commissioner of Endowments, Vijayawada, Krishna District.
4 Sri Raghunatha Swamy Vari Devastanam rep by Executive Officer, Gollapalli, Krishna District .

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:

The substantive relief sought in this writ petition is intrinsically an injunctive relief on a claim that the respondents, in particular, the 4th respondent is conducting auction of certain lands, in particular in an extent of Ac.45-41 cents in R.S.No. 35 of Gollapalli village, Nuzivudu mandal, Krishna district, which belong to the petitioner, the title to which is claimed on the basis of certain registered sale deeds of the year 1992. The auction notice dated 23-07-2005 sets out that the 4th respondent is conducting auction for lease hold rights of the lands belonging to the 4th respondent. Demonstrably, therefore, there appears to be a dispute regarding the title of lands between the 4th respondent and the petitioner. Such disputes regarding title are normatively adjudicated before the civil court of competent jurisdiction.

In view of the available alternative and efficacious remedy, which invokes the sovereign and coercive powers of the State and through the instrumentality of a civil court of competent jurisdiction, this court is not inclined to exercise its discretion under Article 226 of the Constitution. The writ petition is mis-conceived, beseeches rejection and is accordingly dismissed. The writ petitioner is at liberty to pursue appropriate and alternative remedy. No costs.

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GODA RAGHURAM, J

Dt. 10-08-2005

Pvks/*